

Item SPR06-32 Response Form

Title: Juvenile Law: Miscellaneous Rules and Forms (amend Cal. Rules of Court, rules 1413, 1415, 1423, 1425, 1429.5, 1432, 1455, 1460–1463, 1466, 1492, and 1496; revise forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-226, ADOPT-230, JV-180, JV-365, JV-501, JV-505, and JV-665; and adopt forms JV-182 and JV-224)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

☐ **Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Romunda Price,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102

Fax: (415) 865-7664 **Attention:** Romunda Price

Internet: www.courtinfo.ca.gov/invitationstocomment

DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 23, 2006

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

Circulation for comment does not imply endorsement by the Judicial Council, the Rules and Projects Committee, or the Policy Coordination and Liaison Committee. All comments will become part of the public record of the council's action.

Invitations to Comment SPR06-32

Title	Juvenile Law: Miscellaneous Rules and Forms (amend Cal. Rules of Court, rules 1413, 1415, 1423, 1425, 1429.5, 1432, 1455, 1460–1463, 1466, 1492, and 1496; revise forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-226, ADOPT-230, JV-180, JV-365, JV-501, JV-505, and JV-665; and adopt forms JV-182 and JV-224)
Summary	The proposed rule and form amendments would promote compliance with statutory mandates and policies and recent case law and would facilitate judicial consistency.
Source	Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
Staff	Kerry Doyle, 415-865-8791, kerry.doyle@jud.ca.gov
Discussion	<p>Parentage</p> <p>Rule 1413. Paternity</p> <p>Rule 1413 contains a requirement that the juvenile court inquire of the parents and other appropriate persons as to the identity of any presumed or alleged parents. Rule 1413(b) includes a list of questions that the court may, in its discretion, ask to gain information about the child’s parentage. The committee proposes amending this parentage inquiry to follow the recent Supreme Court holdings recognizing that a child can have two mothers when each intends to be the parent¹ or each meets the definition of <i>parent</i> under the Uniform Parentage Act.² The amendments include replacing “cohabiting with another man” to “cohabiting with another adult” and adding the question “Has the child been raised jointly with another adult or in any other co-parenting arrangement?” This change reflects the recognized changing nature of California families coming before the court.</p> <p>Form JV-501, <i>Parentage—Findings and Judgment</i></p> <p>The committee proposes amending form JV-501 to include findings of presumed parentage. This change would include all possible parentage findings on one form.</p>

¹ Elisa B. v. Superior Court (2005) 37 Cal.4th 108.

² Kristine H. v. Lisa R. (2005) 37 Cal.4th 156; K.M. v. E.G. (2005) 37 Cal.4th 130.

Form JV-505, *Statement Regarding Paternity (Juvenile Dependency)*
The committee proposes conforming form JV-505 to the recent Supreme Court decisions that a child can have two mothers, discussed above. The proposed change deletes the word *paternity* from the form and replaces it with the word *parentage*. Additionally, the committee proposes adding a section to the form to allow its use as a request for presumed-parent status. Dependency practitioners have requested a form that can be used as a presumed-parent motion. Such a form would lessen attorney time spent preparing presumed-parent motions and, thus, attorney fees. Further, the addition of a presumed-parent request on this form follows the recent Supreme Court holdings discussed above.

The proposed change also deletes the word *dependency* from the footer. The footer would read, “*Statement Regarding Parentage (Juvenile)*.” This change will allow the use of the form in delinquency proceedings.

Judicial Officers

Rule 1415. General provisions—proceedings held before referees
The committee proposes amending this rule to delete the outdated statutory references it contains and to eliminate the word-for-word replication of Welfare and Code Institutions section 234.5 in the rule of court.

Confidentiality

Rule 1423. Confidentiality of records
The committee proposes amending this rule to follow two recent court decisions. One held that juvenile court files may be inspected only by a judicial officer of the juvenile court, rather than by any judicial officer.³ Another held that juvenile court files can be inspected but not photocopied.⁴

Transfer-out Hearing

Rule 1425. Transfer-out hearing
The committee proposes amending rule 1425 to allow regional collaborations of courts to modify mandatory form JV-550 to facilitate the efficient processing of transfer cases among those

³ In re Anthony H. (2005) 129 Cal.App.4th 495.

⁴ In re Gina S. (2005) 133 Cal.App.4th 1074.

courts. Use of a modified form would require approval by the AOC. The amendment does not affect the continued use of the original mandatory form by regional collaborations when a court is transferring a case to a court outside the collaboration or when a court accepts a transfer from a court outside the collaboration.

Restraining Orders

Rule 1429.5. Restraining orders

In 2005, the California Legislature enacted Assembly Bill 519 (Leno) (Stats. 2005, ch. 634), which, in part, amended section 213.5(a) of the Welfare and Institutions Code. Before the passage of this bill, the juvenile court had the ability to issue orders protecting parents, guardians, and caregivers only when the court was simultaneously issuing an order protecting the child. In some situations, however, the parent or caregiver requires protection, but the child does not. Rather than direct them to another court for protection, AB 519 allows the juvenile court to issue orders protecting parents, guardians, or caregivers, regardless of whether they issue one for the child. The committee proposes amending rule 1429.5 to conform it to the newly amended section 213.5(a) of the Welfare and Institutions Code.

Case Plans

Rules 1455 and 1492. Hearings

The committee proposes amending rules 1455 and 1492 to reflect the new statutory extension of time for counties to complete child welfare case plans from 30 calendar days to the federal maximum of 60 calendar days. In 2004, the California Legislature enacted AB 2795 (Wolk) (Stats. 2004, ch. 421), which, in part, amended section 16501.1 of the Welfare and Institutions Code. The bill implemented portions of the state's Program Improvement Plan (PIP), submitted last June in response to a review of the state's child welfare services program by the U.S. Department of Health and Human Services. The federal review, released in January 2003, cited strengths and weaknesses of the state's program and determined that more than 30 days is often needed to engage all family members and to more effectively assess and address comprehensive child and family service needs. The bill declared the Legislature's intent that extending the maximum time available for preparing a written case plan will afford social workers time to actively engage families and solicit and integrate the input of the child and child's family, as well as other interested parties, into the case plan.

The committee is aware that the statute is ineffective until 90 days after the date that the California Department of Social Services gives counties written notice that the necessary changes have been made to the Child Welfare Services Case Management System to account for the 60-day time frame for preparing a written case plan. It is our understanding that notice will occur by January 1, 2007, the effective date of this proposed rule change. If it is determined that this notice will not occur by January 1, 2007, this proposal will be resubmitted to the Judicial Council with consideration of comments received during this comment period and the Spring 2005 comment period for an effective date of July 1, 2007, or January 1, 2008.

Rules 1460–1462 and 1466. Hearings

The committee proposes amending rules 1460–1462 and 1466 to reflect the new statutory requirement that a dependent child be actively involved in the development of his or her case plan. In 2005, the California Legislature enacted AB 1412 (Leno) (Stats. 2005, ch. 640), which made a legislative finding and declaration that a child's input into his or her case plan is valuable and necessary to development of a plan that best meets the child's unique needs. AB 1412 in part amended section 16500.1 of the Welfare and Institutions Code, requiring the state to encourage the development of approaches to child protection that ensure that children are actively involved in the case plan and permanency planning process. The bill also amended section 16501.1(f) to include among the requirements of case plan development that a child age 12 or older be given the opportunity to review the case plan, sign the case plan, and receive a copy of the case plan. The proposed rule amendments would provide further judicial oversight of the case-planning process to ensure that children are actively involved in the case plan and permanency planning process.

Maintaining Children's Important Relationships

Rules 1460–1463. Hearings

Assembly Bill 1412 (Leno) (Stats. 2005, ch. 640) follows AB 408 in 2003 and AB 2807 in 2004, all three intended to ensure that children in foster care retain or reestablish positive, important relationships with individuals other than parents or siblings. AB 1412 expands the group of children for whom the special-relations requirements apply to those in out-of-town placement for six months or longer. Currently the requirements apply only to children in group homes for six months or longer. AB 1412 further defines to which children the requirements apply by adding section 366.35 to the Welfare and Institutions Code. That section sets out phases of expansion subject to appropriation through the state budget process. The committee proposes amending

the portion of rules 1460–1463 that define the children to whom the special-relations requirements apply by cross-referencing section 366.35.

Form JV-365, Termination of Dependency Jurisdiction—Child Attaining Age of Majority (Juvenile)

The committee proposes amending form JV-365 to add the new statutory requirement of AB 1412 covering children in out-of-home placement as defined by Welfare and Institutions Code section 366.35 for six months or longer.

Special Immigrant Juvenile Status

Form JV-224, Order Regarding Eligibility for Special Immigrant Juvenile Status

Special Immigrant Juvenile Status (SIJS) provides lawful permanent residency to children who are under the jurisdiction of a juvenile court and who will not be reunified with their parents because of abuse, neglect, or abandonment. The requirements for SIJS are set out in federal statute⁵ and regulations.⁶ The SIJS application provides immediate employment authorization and ability to remain in the United States and eventual lawful permanent resident status (a “green card”). The SIJS application is based on a special order that must be signed by the juvenile court judge. The committee proposes creating a new Judicial Council form—form JV-224, *Order Regarding Eligibility for Special Immigrant Juvenile Status*—containing all the necessary findings to apply for SIJS. This form would simplify the SIJS application process and reduce court, agency, and attorney workload. Additionally, a form dedicated to this issue will remind courts and practitioners that this benefit is available to children.

Request to Change Court Order

Rule 1432. Petition for Modification

The committee recommends amending this rule to reference the newly created form, form JV-180, *Request to Change Court Order*, and to clarify that addresses can be kept confidential.

Form JV-180, Request to Change Court Order

Form JV-180 was approved for mandatory use by the Judicial Council effective January 1, 2006. Users have already brought to our attention

⁵ Immigration and Naturalization Act, § 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J).

⁶ 8 C.F.R. § 204.11 (2005).

that the form does not contain space for the petitioner's address, an attorney's State Bar number, or the parties whom the noticed attorneys represent. The committee recommends amending the recently created form to correct these omissions.

Form JV-182, Confidential Information (Request to Change Court Order)

A dependent child, siblings, and caregivers are among those who can request a change of court order. The committee recommends adopting this new form to provide the necessary process to keep addresses confidential. For safety and stability reasons, dependent children and their caregivers often do not want biological parents to know their address. The petitioner would be able to write confidential addresses on this additional form, which would be kept under court seal, rather than on form JV-180, which is served on all parties.

Adoption

Form ADOPT-200, Adoption Request

The majority of adoption requests in California are filed by self-represented adoptive parents. The proposed revisions add items requesting copies of documents to show that parental rights have been terminated or are in the process of being terminated. This addition will alert the adoptive parents of the need for these proceedings prior to adoption finalization.

Senate Bill 302 (Scott) (Stats. 2005, ch. 627) specifies that in a stepparent adoption, the consent of either birthparent may be witnessed by a notary public in addition to the designated witnesses, whether within or outside the state of California. The committee recommends deleting the reference to signing outside of California as it is no longer needed in light of SB 302.

Forms ADOPT-200, Adoption Request; ADOPT-210, Adoption Agreement; ADOPT-215, Adoption Order; and ADOPT-230, Adoption Expenses

AB 205 (Goldberg) (Stats. 2005, ch. 447) specifies that registered domestic partners "shall have the same rights, protections and benefits, and shall be subject to the same responsibilities, obligations and duties under law...as are granted to and imposed upon spouses." The proposed amendments and deletions to the adoption forms would eliminate any reference to domestic partners.

Form ADOPT-226, Notice of Adoption Proceedings for an Indian Child

The committee recommends revising this form to assist adoptive parents and agencies in completing it. The proposed revisions use plain language to describe the type of adoption and the required information.

Delinquency Disposition Form

Form JV-665, Disposition—Juvenile Delinquency

The Judicial Council approved form JV-665 for mandatory use beginning January 1, 2006. Finding 16(h) on this form is grammatically and legally inaccurate. The committee recommends changing this finding to read: “The likely date by which the child may be returned to and safely maintained in the home or another permanent plan selected is ____.” The finding would then follow Welfare and Institutions Code section 727.2’s requirement that the court make such a finding. The finding would also be consistent with the advice given to courts and counties to ensure federal foster-care reimbursement under Title IV-E of the Social Security Act.

The committee also recommends deleting the option of releasing the child to a parent pending placement. This option is inconsistent with the statutory provisions and case law governing youth removed from their parents’ physical custody.⁷ Before a child is placed out of the home, the court must find that continuance in the home of the parent or legal guardian is contrary to the child’s welfare.⁸ Once this finding is made it would be illogical to then return the child to that home.

Additionally, the committee recommends adding a new dispositional option. It is necessary to provide a dispositional option for placement in a camp or ranch as these are permissible sanctions provided under Welfare and Institutions Code section 202(4)(e).

The text of the proposed rules is attached at pages 8–28.

The text of the proposed forms is attached at pages 29–59.

The relevant text of the statutes is attached at pages 60–71.

Attachments

⁷ In re Nathan W. (1988) 205 Cal.App.3d 1496, 1500. “It would defy reason for a court to find parental custody would be detrimental to the minor and nevertheless order the child home on probation.”

⁸ Welf. & Inst. Code, §§ 636(d), 11401 (b)(3); Cal. Rules of Court, rule 1475(c)(1).

Rules 1413, 1415, 1423, 1425, 1429.5, 1432, 1455, 1460–1463, 1466, 1492, and 1496 of the California Rules of Court would be amended, effective January 1, 2007, to read:

Rule 1413. Parentage

(a) * * *

(b) **[Parentage inquiry (§§ 316.2, 726.4)]** At the initial hearing on a petition filed under section 300, 601, or 602, and at hearings thereafter until or unless parentage has been established, the court must inquire of the child’s parents present at the hearing and of any other appropriate person present as to the identity and address of any and all presumed or alleged parents of the child. Questions, at the discretion of the court, may include the following and others that may provide information regarding parentage:

(1) * * *

(2) Was the mother married or, did she have a registered domestic partner at or after the time of conception?

(3) Did she the mother believe she was married or believe she had a registered domestic partner at or after the time of conception?

~~(3)~~(4) Was the mother cohabiting with ~~a man~~ another adult at the time of conception?

~~(4)~~(5) Has the mother received support payments or promises of support for the child or for herself during her pregnancy or after the birth of the child?

~~(5)~~(6) * * *

~~(6)~~(7) * * *

(8) Has the child been raised jointly with another adult or in any other co-parenting arrangement?

(c)–(f) * * *

(g) **[Dependency and delinquency; notice to alleged fathers parents]** If, upon inquiry by the court, or through other information obtained by the county welfare department or probation department, one or more ~~men~~ persons are identified as alleged ~~fathers~~ parents of a child for whom a petition under section 300, 601, or 602 has been filed, the clerk must provide to each named alleged ~~father~~ parent, at the last known address, by certified mail, return receipt

requested, a copy of the petition, notice of the next scheduled hearing, and Judicial Council form *Statement Regarding ~~Paternity~~ Parentage (Juvenile Dependency)* (JV-505) unless:

(1) * * *

(2) * * *

(3) The ~~man~~ parent has previously filed a JV-505 form denying ~~paternity~~ parentage and waiving further notice; or

(4) The ~~man~~ parent has relinquished custody of the child to the county welfare department.

(h) **[Dependency and delinquency; alleged ~~fathers~~ parents (§§ 316.2, 726.4)]**
The court must make the following determinations:

~~(1) If a man appears at a hearing in a dependency matter, or at a hearing under section 601 or 602, and files an action under Family Code section 7630 or 7631, the court must determine if he is the presumed father of the child.~~

~~(2) If a man person appears at a hearing in a dependency matter or at a hearing under section 601 or 602 and requests a finding of paternity parentage on form JV-505 in a dependency matter or by written request in a section 601 or 602 matter, the court must determine:~~

~~(1) Whether he that person is the biological father parent of the child;~~

~~(2) Whether that person is the presumed parent of the child, if requested.~~

Rule 1415. General provisions—proceedings held before referees

(a) **[Referees—appointment; powers (§ 247; Cal. Const., art. VI, § 22)]** One or more referees may be appointed ~~pursuant to section 247~~ to perform subordinate judicial duties assigned to the referee by the presiding judge of the juvenile court.

(b) **[Referee as temporary judge (Cal. Const., art. VI, § 21)]** If the referee is an attorney admitted to practice in this state, the parties ~~litigant~~ may stipulate ~~pursuant to rule 244~~ that the referee ~~shall~~ will act as a temporary judge with the same powers as a judge of the juvenile court. An official court reporter or other authorized reporting procedure ~~shall~~ must record all proceedings.

- 1
2 (e) ~~[Challenge of referee (§ 247.5; Code Civ. Proc., §§ 170, 170.6)]~~ Sections
3 170 and 170.6 of the Code of Civil Procedure are applicable to referees. If a
4 motion under those sections is granted, the presiding judge of the juvenile
5 court may reassign the matter to another referee or judge.
6

7 **Rule 1423. Confidentiality of records (§§ 827, 828)**
8

9 (a) * * *

10
11 (b) **[Inspection]** Only those persons specified in sections 827 and 828 may
12 inspect juvenile court records without authorization from the court.
13

14 (1) Authorization to copy juvenile court records may be ordered only by the
15 juvenile court presiding judge or a judicial officer of the juvenile court
16 who has been designated by the juvenile court presiding judge.
17

18 (2) * * *

19
20 (3) * * *

21
22 (4) Authorization for any other person to inspect, obtain, or copy juvenile
23 court records ~~must~~ may be ordered only by the juvenile court presiding
24 judge or a judicial officer of the juvenile court who has been designated
25 by the juvenile court presiding judge.

26 (5) * * *

27
28 (6) * * *

29
30 (7) * * *

31
32 (c)–(i) * * *

33
34 **Rule 1425. Transfer-out hearing**
35

36 (a)–(f) * * *

37
38 (g) **[Modification of form JV-550]** Notwithstanding the mandatory use of form
39 JV-550, the form may be modified for use by a formalized regional
40 collaboration of courts to facilitate the efficient processing of transfer cases
41 among those courts if the modification has been approved by the Judicial
42 Council of California, Administrative Office of the Courts.

1
2 ~~(g)~~(h) * * *

3
4 ~~(h)~~(i) * * *

5
6 **Rule 1429.5. Restraining orders**

7
8 ~~(a)~~–~~(c)~~ * * *

9
10 ~~(d) [Other protected persons (§ 213.5(a))] If the court grants ex parte orders or~~
11 ~~orders after hearing that protect any child listed in (c)(1) or (2), then~~ The court
12 may also issue orders protecting any parent, legal guardian, or current
13 caregiver of the child listed in (c)(1), whether or not that child resides with that
14 parent, legal guardian, or current caregiver.

15
16 ~~(e)~~–~~(l)~~ * * *

17
18 **Rule 1432. ~~Petition for modification~~ Request to change court order**

19
20 ~~(a) [Contents of petition (§§ 388, 778)]~~ A petition for modification must be
21 liberally construed in favor of its sufficiency. The petition must be made on a
22 Request to Change Court Order form JV-180. The petition must be verified
23 and must contain the following:

24
25 ~~(1)~~–~~(2)~~ * * *

26
27 ~~(3)~~ The name, and age, of the child;

28
29 ~~(4)~~ ~~and~~ The address of the child, unless confidential under (b);

30
31 ~~(4)~~(5) * * *

32
33 ~~(5)~~(6) * * *

34
35 ~~(6)~~(7) * * *

36
37 ~~(7)~~(8) * * *

38
39 ~~(8)~~(9) * * *

40
41 ~~(9)~~(10) * * *

1 **(b) [Confidentiality]** The address and telephone number of the person requesting
2 to change the court order, the child, and the child's caregiver may be kept
3 confidential by filing a *Confidential Information (Request to Change Court*
4 *Order* form (JV-182) with form JV-180. Form JV-182 must be kept in the
5 court file under seal, and only the court, the agency, and the child's attorney
6 may have access to this information.
7

8 **(b)(c) [Denial of hearing]** If the petition fails to state a change of circumstance or
9 new evidence that ~~might~~ may require a change of order or termination of
10 jurisdiction, the court may deny the application ex parte.
11

12 **(e)(d) [Grounds for grant of petition (§§ 388, 778)]** If the petition states a change
13 of circumstance or new evidence and it appears that the best interest of the
14 child may be promoted by the proposed change of order or termination of
15 jurisdiction, the court may grant the petition after following the procedures in
16 subdivisions ~~(d)~~ and (e) and (f).
17

18 **(d)(e) * * ***
19

20 **(e)(f) * * ***
21

22 **(f)(g) [Conduct of hearing (§ 388)]** The petitioner requesting the modification
23 under section 388 has the burden of proof. If the request is for the removal of
24 the child from the child's home, the petitioner must show by clear and
25 convincing evidence that the grounds for removal in section 361(c) exist. If the
26 request is for removal to a more restrictive level of placement, the petitioner
27 must show by clear and convincing evidence that the change is necessary to
28 protect the physical or emotional well-being of the child. All other requests
29 require a preponderance of the evidence to show that the child's welfare
30 requires such a modification.
31

32 The hearing must be conducted as a disposition hearing under rules 1455 and
33 1456 if: (1) the request is for removal from the home of the parent or guardian
34 or to a more restrictive level of placement, or (2) there is a due process right to
35 confront and cross-examine witnesses. Otherwise, proof may be by declaration
36 and other documentary evidence, or by testimony, or both, at the discretion of
37 the court.
38

39 **(g)(h) * * ***
40

41 **Rule 1455. General conduct of disposition hearing**

42

43 **(a) * * ***

1
2 (b) **[Evidence considered (§§ 358, 360)]** The court ~~shall~~ must receive in evidence
3 and consider the social study, a guardianship assessment, the report of any
4 ~~court-appointed child advocate~~ CASA volunteer, the case plan, and any
5 relevant evidence offered by petitioner, the child, or the parent or guardian.
6 The court may require production of other relevant evidence on its own
7 motion. In the order of disposition, the court ~~shall~~ must state that the social
8 study and the study or evaluation by the child advocate, if any, have been read
9 and considered by the court.
10

11 (c) **[Case plan (§ 16501.10)]** Whenever child welfare services are provided, the
12 social worker must prepare a case plan.
13

14 (1) A written case plan must be completed and filed with the court by the date
15 of disposition or within 60 calendar days of initial removal or of the in-
16 person response required under section 16501(f) if the child has not been
17 removed from his or her home, whichever occurs first.
18

19 (2) The court must consider the case plan and must find as follows:
20

21 (A) The social worker solicited and integrated into the case plan the
22 input of the child, the child's family, the child's identified Indian
23 tribe, and other interested parties; or
24

25 (B) The social worker did not solicit and integrate into the case plan the
26 input of the child, the child's family, the child's identified Indian
27 tribe, and other interested parties. If the court finds that the social
28 worker did not solicit and integrate into the case plan the input of the
29 child, the child's family, the child's identified Indian tribe, and other
30 interested parties, the court must order that the social worker solicit
31 and integrate into the case plan the input of the child, the child's
32 family, the child's identified Indian tribe, and other interested
33 parties.
34

35 (3) For a child 12 years of age or older, the court must consider the case plan
36 and must find as follows:
37

38 (A) The child was given the opportunity to review the case plan, sign it,
39 and receive a copy; or
40

41 (B) The child was not given the opportunity to review the case plan, sign
42 it, and receive a copy. If the court finds that the child was not given
43 the opportunity to review the case plan, sign it, and receive a copy,

1 the court must order the agency to give the child the opportunity to
2 review the case plan, sign it, and receive a copy.

3
4 **Rule 1460. Six-month review hearing**

5
6 (a)–(c) * * *

7
8 (d) **[Reports]** The court must consider the report prepared by petitioner, the report
9 of any ~~Court Appointed Special Advocate (CASA)~~ volunteer, the case plan,
10 and any report submitted by the child’s caregiver ~~pursuant to~~ under section
11 366.21(d).

12
13 (e) **[Determinations—burden of proof (§§ 366, 366.1, 366.21, 364)]**

14
15 (1)–(5) * * *

16
17 (6) The court must consider the case plan and must find as follows:

18
19 (A) The child was actively involved in the development of his or her
20 own case plan and plan for permanent placement; or

21
22 (B) The child was not actively involved in the development of his or her
23 own case plan and plan for permanent placement. If the court finds
24 that the child was not actively involved in the development of his or
25 her own case plan and plan for permanent placement, the court must
26 order the agency to actively involve the child in the development of
27 his or her own case plan and plan for permanent placement, unless
28 the court finds that the child is unable or unavailable to participate.

29
30 (7) For a child 12 years of age or older, the court must consider the case plan
31 and must find as follows:

32
33 (A) The child was given the opportunity to review the case plan, sign it,
34 and receive a copy; or

35
36 (B) The child was not given the opportunity to review the case plan, sign
37 it, and receive a copy. If the court finds that the child was not given
38 the opportunity to review the case plan, sign it, and receive a copy,
39 the court must order the agency to give the child the opportunity to
40 review the case plan, sign it, and receive a copy.

41
42 (f) **[Conduct of hearing (§ 366.21)]** If the court does not return custody of the
43 child,

1
2 (1)–(9) * * *

3
4 (10) If the court orders a hearing under section 366.26, the court must order
5 that no notice of the hearing under section 366.26 be provided to any of
6 the following:

7
8 (A) A ~~mother~~ parent, presumed ~~father~~ parent, or alleged ~~father~~ parent
9 who has relinquished the child for adoption and whose
10 relinquishment has been accepted and filed with notice under Family
11 Code section 8700;

12
13 (B) An alleged father who has denied paternity and has executed section
14 1 of Judicial Council form *Statement Regarding ~~Paternity~~ Parentage*
15 (JV-505).
16

17 (11) * * *

18
19 (g)–(i) * * *

20
21 **Rule 1461. Twelve-month review hearing**

22
23 (a)–(b) * * *

24
25 (c) **[Conduct of hearing]** At the hearing, the court must state on the record that
26 the court has read and considered the report of petitioner, the report of any
27 ~~Court Appointed Special Advocate (CASA)~~ volunteer, the case plan update,
28 any report submitted by the child’s caregiver pursuant to section 366.21(d),
29 and any other evidence, and must proceed as follows:

30
31 (1)–(6) * * *

32
33 (7) The court must consider the case plan and must find as follows:

34
35 (A) The child was actively involved in the development of his or her
36 own case plan and plan for permanent placement; or

37
38 (B) The child was not actively involved in the development of his or her
39 own case plan and plan for permanent placement. If the court finds
40 that the child was not involved in the development of his or her own
41 case plan and plan for permanent placement, the court must order
42 the agency to involve the child in the development of his or her own

1 case plan and plan for permanent placement, unless the court finds
2 that the child is unable or unavailable to participate.

3
4 (8) For a child 12 years of age or older, the court must consider the case plan
5 and must find as follows:

6
7 (A) The child was given the opportunity to review the case plan, sign it,
8 and receive a copy; or

9
10 (B) The child was not given the opportunity to review the case plan, sign
11 it, and receive a copy. If the court finds that the child was not given
12 the opportunity to review the case plan, sign it, and receive a copy,
13 the court must order the agency to give the child the opportunity to
14 review the case plan, sign it, and receive a copy.

15
16 **(d) [Determinations and orders]** The court must proceed as follows:

17
18 (1) * * *

19
20 (2) Order that the child remain in foster care if it finds by clear and
21 convincing evidence already presented that a 366.26 hearing is not in the
22 best interest of the child because the child is not a proper subject for
23 adoption and has no one willing to accept legal guardianship.

24
25 (A) * * *

26
27 (B) If the child is 10 years of age or older and is placed in out-of-home
28 placement as defined in section 366.35 ~~a group home~~ for six months
29 or longer ~~from the date the child entered foster care~~, the court:

30
31 ~~(A)~~(i) Must determine whether the agency has identified
32 individuals, in addition to the child's siblings, who are
33 important to the child and will maintain caring, permanent
34 relationships with the child, consistent with the child's best
35 interest;

36
37 ~~(B)~~(ii) Must determine whether the agency has made reasonable
38 efforts to nurture and maintain the child's relationships with
39 those individuals, consistent with the child's best interest; and

40
41 ~~(C)~~(iii) May make any appropriate order to ensure that those
42 relationships are maintained; or
43

1 (3) Order a hearing under section 366.26 within 120 days, if the court finds
2 there is no substantial probability of return within 18 months of the date
3 of initial removal and finds by clear and convincing evidence that
4 reasonable services have been provided to the parent or guardian.

5
6 (A)–(I) * * *

7
8 (J) If the court orders a hearing under section 366.26, the court must
9 order that no notice of the hearing under section 366.26 be provided
10 to any of the following:

11
12 (i) A ~~mother~~ parent, presumed ~~father~~ parent, or alleged ~~father~~
13 parent who has relinquished the child for adoption and the
14 relinquishment has been accepted and filed with notice under
15 Family Code section 8700;

16
17 (ii) An alleged ~~father~~ parent who has denied ~~paternity~~ parentage
18 and has executed section 1 of Judicial Council form *Statement*
19 *Regarding ~~Paternity~~ Parentage* (JV-505).
20

21 (e) * * *

22
23 **Rule 1462. Eighteen-month review hearing**

24
25 (a)–(b) * * *

26
27 (c) **[Conduct of hearing (§ 366.22)]** At the hearing the court must state on the
28 record that the court has read and considered the report of petitioner, the report
29 of any ~~Court Appointed Special Advocate (CASA)~~ volunteer, the case plan,
30 any report submitted by the child’s caregiver under section 366.21(d), and
31 other evidence, and must proceed as follows:
32

33 (1)–(2) * * *

34
35 (3) If the court does not order return, the court must specify the factual basis
36 for its finding of risk of detriment, terminate reunification services, and:
37

38 (A) * * *

39
40 (B) * * *

1 (C) If the child is 10 years of age or older and is placed in a ~~group home~~
2 out-of-home placement as defined in section 366.35 for six months
3 or longer ~~from the date the child entered foster care~~, the court:

4
5 (i)–(iii) * * *

6
7 ~~(B)~~(D) * * *

8
9 (4)–(5) * * *

10
11 (6) The court must consider the case plan and must find as follows:

12
13 (A) The child was actively involved in the development of his or her
14 own case plan and plan for permanent placement; or

15
16 (B) The child was not actively involved in the development of his or her
17 own case plan and plan for permanent placement. If the court finds
18 that the child was not actively involved in the development of his or
19 her own case plan and plan for permanent placement, the court must
20 order the agency to involve the child in the development of his or
21 her own case plan and plan for permanent placement, unless the
22 court finds that the child is unable or unavailable to participate.

23
24 (7) For a child 12 years of age or older, the court must consider the case plan
25 and must find as follows:

26
27 (A) The child was given the opportunity to review the case plan, sign it,
28 and receive a copy; or

29
30 (B) The child was not given the opportunity to review the case plan, sign
31 it, and receive a copy. If the court finds that the child was not given
32 the opportunity to review the case plan, sign it, and receive a copy,
33 the court must order the agency to give the child the opportunity to
34 review the case plan, sign it, and receive a copy.

35
36 ~~(6)~~(8) * * *

37
38 ~~(7)~~(9) A judgment or an order setting a hearing under section 366.26 is not an
39 immediately appealable. Review may be sought only by filing Judicial
40 Council form *Petition for Extraordinary Writ* (~~Juvenile Dependency~~) (JV-
41 825) or other petition for extraordinary writ. If a party wishes to preserve
42 any right to review on appeal of the findings and orders made under this

rule, the party is required to seek an extraordinary writ under rules 38, 38.1, and 1436.5.

(8)(10) A judgment, order, or decree setting a hearing under section 366.26 may be reviewed on appeal following the order of the 366.26 hearing only if the following have occurred:

(A) An extraordinary writ was sought by the timely filing of Judicial Council form ~~Writ Petition—~~Juvenile for Extraordinary Writ (JV-825) or other petition for extraordinary writ; and

(B) * * *

Review on appeal of the order setting a hearing under section 366.26 is limited to issues raised in a previous petition for extraordinary writ ~~which~~ that were supported by an adequate record.

(9)(11) Failure to file a petition for extraordinary writ review within the period specified by rules 38, 38.1, and 1436.5, to substantively address the issues challenged, or to support the challenge by an adequate record precludes subsequent review on appeal of the findings and orders made under this rule.

(40)(12) When the court orders a hearing under section 366.26, the court ~~shall~~ must advise orally all parties present, and by first class mail for parties not present, that if the party wishes to preserve any right to review on appeal of the order setting the hearing under section 366.26, the party is required to seek an extraordinary writ by filing a *Notice of Intent to File Writ Petition and Request for Record* form (JV-820) or other notice of intent to file writ petition and request for record and a ~~Writ Petition—~~Juvenile Petition for Extraordinary Writ form (JV-825) or other petition for extraordinary writ. Within 24 hours of the hearing, notice by first class mail ~~shall~~ must be provided by the clerk of the court to the last known address of any party who is not present when the court orders the hearing under section 366.26. Copies of Judicial Council form ~~Writ Petition—~~Juvenile Petition for Extraordinary Writ (JV-825) and Judicial Council form *Notice of Intent to File Writ Petition and Request for Record* form (JV-820) ~~shall~~ must be available in the courtroom; and ~~shall~~ must accompany all mailed notices of the advice.

(44)(13) If the court orders a hearing under section 366.26, the court ~~shall~~ must order that no notice of the hearing under section 366.26 be provided to any of the following:

- 1
2 (A) A ~~mother~~ parent, presumed ~~father~~ parent, or alleged ~~father~~ parent
3 who has relinquished the child for adoption and whose
4 relinquishment has been accepted and filed with notice under Family
5 Code section 8700;
6
7 (B) An alleged ~~father~~ parent who has denied ~~paternity~~ parentage and has
8 executed section 1 of Judicial Council form *Statement Regarding*
9 *Paternity Parentage* (JV-505).

10
11 (d) * * *

12
13 **Rule 1463. Selection of permanent plan (§ 366.26)**

- 14
15 (a) **[Application of rule]** This rule applies to children who have been declared
16 dependents after January 1, 1989.

17
18 (1) For those dependents, only section 366.26 and division 12, part 3, chapter
19 5 (commencing with section 7660) of the Family Code or Family Code
20 sections 8604, 8605, 8606, and 8700 apply for terminating parental rights.
21 Part 4 (commencing with section 7800) of division 12 of the Family Code
22 or former Civil Code section 232 does not apply.

23
24 (2) The court may not terminate the rights of only one parent under section
25 366.26 unless that parent is the only surviving parent, or unless the rights
26 of the other parent have been terminated under former Civil Code section
27 224, 224m, 232, or 7017, or division 12, part 3, chapter 5 (commencing
28 with section 7660) or Part 4 (commencing with section 7800) of division
29 12 of the Family Code, or Family Code section 8604, 8605, or 8606, or
30 unless ~~or~~ the other parent has relinquished custody of the child to the
31 welfare department.

32
33 (3) * * *

34
35 (b)–(d) * * *

- 36
37 (e) **[Conduct of hearing]** At the hearing, the court must state on the record that
38 the court has read and considered the report of petitioner, the report of any
39 ~~Court Appointed Special Advocate (CASA)~~ volunteer, the case plan, any
40 report submitted by the child's caregiver pursuant to section 366.21(d), and
41 other evidence, and must proceed as follows:

42
43 (1)–(5) * * *

1
2 (6) If the court finds that paragraph (1)(A) or (1)(B) of this subdivision
3 applies, the court must appoint the present custodian or other appropriate
4 person to become the child's legal guardian or must order the child to
5 remain in foster care.

6
7 (A) * * *

8
9 (B) * * *

10
11 (C) A child who is 10 years of age or older who is placed in a ~~group~~
12 home out-of-home placement as defined in section 366.35 for six
13 months or longer ~~from the date the child entered foster care~~ must be
14 asked to identify any adults who are important to him or her in order
15 for the agency to investigate and the court to determine whether any
16 of those adults would be appropriate to serve as legal guardians.
17 Other children may be asked for this information, as appropriate.

18
19 (D) * * *

20
21 (E) * * *

22
23 (7) The court must consider the case plan and must find as follows:

24
25 (A) The child was actively involved in the development of his or her
26 own case plan and plan for permanent placement, including being
27 asked for a statement regarding his or her permanent placement plan
28 and the social worker's assessment of those stated wishes; or

29
30 (B) The child was not actively involved in the development of his or her
31 own case plan and plan for permanent placement, including being
32 asked for a statement regarding his or her permanent placement plan
33 and the social worker's assessment of those stated wishes. If the
34 court finds that the child was not actively involved in the
35 development of his or her own case plan and plan for permanent
36 placement, including being asked for a statement regarding his or
37 her permanent placement plan and the social worker's assessment of
38 those stated wishes, the court must order the agency to actively
39 involve the child in the development of his or her own case plan and
40 plan for permanent placement, including asking the child for a
41 statement regarding his or her permanent placement plan and an
42 assessment of those stated wishes, unless the court finds that the
43 child is unable or unavailable to participate.

(8) For a child 12 years of age or older, the court must consider the case plan and must find as follows:

(A) The child was given the opportunity to review the case plan, sign it, and receive a copy; or

(B) The child was not given the opportunity to review the case plan, sign it, and receive a copy. If the court finds that the child was not given the opportunity to review the case plan, sign it, and receive a copy, the court must order the agency to give the child the opportunity to review the case plan, sign it, and receive a copy.

~~(7)~~(9) * * *

(f)–(i) * * *

Rule 1466. Hearings subsequent to a permanent plan (§§ 366.26, 366.3, 391)

(a) **[Review hearings—adoption and guardianship]** Following an order for termination of parental rights or a plan for the establishment of a guardianship under section 366.26, the court must retain jurisdiction and conduct review hearings every six months to ensure the expeditious completion of the adoption or guardianship.

(1) At the review hearing, the court must consider the report of the petitioner, as required by section 366.3(f), the report of any: ~~Court Appointed Special Advocate (CASA)~~ volunteer, the case plan, and any report submitted by the child’s caregiver pursuant to section 366.21(d); inquire about the progress being made to provide a permanent home for the child; consider the safety of the child; and enter findings as required by section 366.3(e).

(2)–(4) * * *

(b) **[Review hearings—foster care]** Following the establishment of a plan other than those provided for in (a), review hearings must be conducted every six months by the court or by a local ~~review board~~ administrative review panel.

(1) At the review hearing, the court or ~~review board~~ administrative review panel must consider the report of the petitioner, the report of any ~~Court Appointed Special Advocate (CASA)~~ volunteer, the case plan, and any report submitted by the child’s caregiver pursuant to section 366.21(d);

1 inquire about the progress being made to provide a permanent home for
2 the child; consider the safety of the child; and enter findings regarding
3 each item listed in section 366.3(e).
4

5 (2) The court or administrative review panel must consider the case plan and
6 must find as follows:
7

8 (A) The child was actively involved in the development of his or her
9 own case plan and plan for permanent placement; or
10

11 (B) The child was not actively involved in the development of his or her
12 own case plan and plan for permanent placement. If the court or
13 administrative review panel finds that the child was not actively
14 involved in the development of his or her own case plan and plan for
15 permanent placement, the court must order the agency to actively
16 involve the child in the development of his or her own case plan and
17 plan for permanent placement, unless the court finds that the child is
18 unable or unavailable to participate.
19

20 (3) For a child 12 years of age or older, the court or administrative review
21 panel must consider the case plan and must find as follows:
22

23 (A) The child was given the opportunity to review the case plan, sign it,
24 and receive a copy; or
25

26 (B) The child was not given the opportunity to review the case plan, sign
27 it, and receive a copy. If the court finds that the child was not given
28 the opportunity to review the case plan, sign it, and receive a copy,
29 the court must order the agency to give the child the opportunity to
30 review the case plan, sign it, and receive a copy.
31

32 ~~(2)~~(4) * * *

33
34 ~~(3)~~(5) * * *

35
36 ~~(4)~~(6) * * *

37
38 ~~(5)~~(7) * * *

39
40 ~~(6)~~(8) * * *

41
42 ~~(7)~~(9) * * *
43

1 ~~(8)~~(10) If the court makes the findings in subdivision ~~(7)~~(9), the court may
2 order that the child remain in foster care.
3

4 (c) **[Hearing on petition to terminate guardianship or modify guardianship**
5 **orders]** A petition to terminate a guardianship established by the juvenile
6 court, to appoint a successor guardian, or to modify or supplement orders
7 concerning the guardianship ~~shall~~ must be filed in juvenile court. The
8 procedures described in rule 1432 ~~shall~~ must be followed, and Judicial Council
9 forms ~~Juvenile Dependency Petition (JV-100) and Modification Petition~~
10 ~~Attachment~~ Request to Change Court Order (JV-180) ~~shall~~ must be utilized
11 used.
12

13 (1)–(3) * * *

14
15 (4) If the petition is granted and the court continues or resumes dependency,
16 the court ~~shall~~ must order that a new plan be developed to provide
17 stability and permanency to the child. Unless the court has already
18 scheduled a hearing to review the child’s status, the court ~~shall~~ must
19 conduct such a hearing within 60 days. Parents whose parental rights have
20 not been terminated ~~shall~~ must be notified of the hearing on the new plan.
21 The court may consider further efforts at reunification only if the parent
22 proves, by a preponderance of the evidence, that the efforts would be the
23 best alternative for the child.
24

25 (5) * * *

26
27 (d) * * *

28
29 **Rule 1492. General conduct of hearing**

30 (a)–(b) * * *

31
32 (c) **[Case plan (§§ 636.1, 706.6, 16501.1)]** When a child is detained and is at risk
33 of entering foster care placement, the probation officer must prepare a case
34 plan.
35

36 (1) The plan must be completed and filed with the court by the date of
37 disposition or within ~~30~~ 60 calendar days of initial removal, whichever
38 occurs first.
39

40 (2) The court must consider the case plan and must find as follows:
41

1 (A) The probation officer solicited and integrated into the case plan the
2 input of the child, the child's family, the child's identified Indian
3 tribe, and other interested parties; or

4
5 (B) The probation officer did not solicit and integrate into the case plan
6 the input of the child, the child's family, the child's identified Indian
7 tribe, and other interested parties. If the court finds that the probation
8 officer did not solicit and integrate into the case plan the input of the
9 child, the child's family, the child's identified Indian tribe, and other
10 interested parties, the court must order that the social worker solicit
11 and integrate into the case plan the input of the child, the child's
12 family, the child's identified Indian tribe, and other interested
13 parties.

14
15 (3) For a child 12 years of age or older, the court must consider the case plan
16 and must find as follows:

17
18 (A) The child was given the opportunity to review the case plan, sign it,
19 and receive a copy; or

20
21 (B) The child was not given the opportunity to review the case plan, sign
22 it, and receive a copy. If the court finds the child was not given the
23 opportunity to review the case plan, sign it, and receive a copy, the
24 court must order the agency to give the child the opportunity to
25 review the case plan, sign it, and receive a copy.

26
27 ~~(1)~~(4) * * *

28
29 ~~(2)~~(5) * * *

30
31 **Rule 1496. Reviews and permanency planning hearings**

32
33 (a) **[Six-month status review hearings (§§ 727.2, 11404.1)]** A status review
34 hearing must be conducted no less frequently than once every six months from
35 the date the ward entered foster care, for any ward removed from the custody
36 of his or her parent or guardian under section 726 and placed in a home under
37 section 727. The court may consider the hearing at which the initial order for
38 placement is made as the first status review hearing.

39
40 (1) *(Consideration of reports (§ 727.2(d))* The court must review and
41 consider the social study report and updated case plan submitted by the
42 probation officer, ~~and the report submitted by any court-appointed special~~

1 advocate, CASA volunteer, as well as and any other reports filed with the
2 court ~~pursuant to~~ under section 727.2(d).
3

4 (2) * * *

5
6 (3) *(Findings and orders (§ 727.2(d))* The court must consider the safety of
7 the ward and make findings and orders that determine the following:
8

9 (A) * * *

10 (B) * * *

11 (C) * * *

12 (D) * * *

13
14 (E) The likely date by which the child may be returned to and safely
15 maintained in the home or placed for adoption, legal guardianship,
16 or another permanent plan; ~~and~~
17

18 (F) In the case of a child who is 16 years of age or older, the court must
19 determine the services needed to assist the child in making the
20 transition from foster care to independent living; and
21

22 (G) Whether or not the child was actively involved in the development
23 of his or her own case plan and plan for permanent placement. If the
24 court finds that the child was not actively involved in the
25 development of his or her own case plan and plan for permanent
26 placement, the court must order the probation department to actively
27 involve the child in the development of his or her own case plan and
28 plan for permanent placement, unless the court finds that the child is
29 unable or unavailable to participate.
30
31
32
33

34 (4) * * *

35
36 (b) **[Permanency planning hearings (§§ 727.2, 727.3, 11404.1)]** A permanency
37 planning hearing for any ward who has been removed from the custody of a
38 parent or guardian and not returned at a previous review hearing must be held
39 within 12 months of the date the ward entered foster care and periodically
40 thereafter, but no less frequently than once every 12 months while the ward
41 remains in placement. However, when no reunification services are offered to
42 the parents or guardians under section 727.2(b), the first permanency planning
43 hearing must occur within 30 days of disposition.

- 1
2 (1) (*Consideration of reports* (§ 727.3)) The court must review and consider
3 the social study report and updated case plan submitted by the probation
4 officer and the report submitted by any ~~court-appointed special advocate,~~
5 CASA volunteer, as well as and any other reports filed with the court
6 ~~pursuant to~~ under section 727.3(a)(2).
7
8 (2) (*Findings and orders*) At each permanency planning hearing the court
9 must consider the safety of the ward and make findings and orders
10 regarding the following:
11
12 (A)–(B) * * *
13
14 (C) The extent of progress that has been made by the child and parent or
15 guardian toward alleviating or mitigating the causes necessitating
16 placement in foster care; ~~and~~
17
18 (D) The permanent plan for the child, as described in section (3), below;
19 and
20
21 (E) Whether or not the child was not actively involved in the
22 development of his or her own case plan and plan for permanent
23 placement. If the court finds that the child was not actively involved
24 in the development of his or her own case plan and plan for
25 permanent placement, the court must order the agency to actively
26 involve the child in the development of his or her own case plan and
27 plan for permanent placement, unless the court finds that the child is
28 unable or unavailable to participate.
29
30 (3)–(4) * * *
31
32 (c) **[Post-permanency status review hearings (§ 727.2)]** A post-permanency
33 status review hearing must be conducted for wards in placement annually, six
34 months after each permanency planning hearing.
35
36 (1) (*Consideration of reports* (§ 727.2(d))) The court must review and
37 consider the social study report and updated case plan submitted by the
38 probation officer, ~~and~~ the report submitted by any ~~court-appointed~~
39 ~~special advocate~~ CASA volunteer, as well as and any other reports filed
40 with the court ~~pursuant to~~ under section 727.2(d).
41

1 (2) (*Findings and orders*) At each post-permanency status review hearing the
2 court must consider the safety of the ward and make findings and orders
3 regarding the following:
4

5 (A) * * *

6
7 (B) The continuing necessity for and appropriateness of the placement;
8 ~~and~~

9
10 (C) The extent of the probation department's compliance with the case
11 plan in making reasonable efforts to complete whatever steps are
12 necessary to finalize the permanent plan for the child.; and
13

14 (D) Whether or not the child was actively involved in the development
15 of his or her own case plan and plan for permanent placement. If the
16 court finds that the child was not actively involved in the
17 development of his or her own case plan and plan for permanent
18 placement, the court must order the probation department to actively
19 involve the child in the development of his or her own case plan and
20 plan for permanent placement, unless the court finds that the child is
21 unable or unavailable to participate.
22

23 (d)–(f) * * *

If you are adopting more than one child, fill out an adoption request for each child.

Clerk stamps date here when form is filed.

DRAFT 5

03/22/06 xyz

**Not approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

1 Adopting parents' names (*specify each*):

a. _____

b. _____

Relationship to child: _____

Street address: _____

City: _____ State: _____ Zip: _____

Telephone number: (____) _____

Lawyer (if any): (Name, address, telephone numbers, and State Bar number): _____

2 Type of adoption (*check one*):

☐ Agency (*name*): _____

☐ Joinder has been filed.

☐ Joinder will be filed.

☐ Independent

☐ International (*name of agency*): _____

☐ Stepparent

☐ Relative

3 Information about the child:

a. The child's new name will be: _____

b. ☐ Boy ☐ Girl

c. Date of birth: _____ Age: _____

d. Child's address (*if different from yours*):

Street: _____

City: _____ State: _____ Zip: _____

e. Place of birth (*if known*):

City: _____

State: _____ Country: _____

f. If the child is 12 or older, does the child agree to the adoption? ☐ Yes ☐ No

g. Date child was placed in your physical care: _____

4 Child's name before adoption: (*Fill out ONLY if this is an independent, relative, or stepparent adoption.*)

5 Does the child have a legal guardian? ☐ Yes ☐ No

If yes, attach a copy of the Letters of Guardianship and fill out below:

a. Date guardianship ordered: _____

b. County: _____

c. Case number: _____

6 Is the child a dependent of the court? ☐ Yes ☐ No

If yes, fill out below:

Juvenile case number: _____

County: _____

(To be completed by the clerk of the superior court if a hearing date is available.)

Hearing is set for:

**Hearing
Date**

→ Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

To the person served with this request: If you do not come to this hearing, the judge can order the adoption without your input.

Your name: _____

- 7 Child may have Indian ancestry: ☐ Yes ☐ No
If yes, attach Form ADOPT-220, Adoption of Indian Child.

8 **If this is an agency adoption**

- a. I have received information about the Adoption Assistance Program Regional Center and about and about mental health services available through Medi-Cal or other programs. ☐ Yes ☐ No
- b. All persons with parental rights agree that the child should be placed for adoption by the California Department of Social Services or a licensed adoption agency (Fam. Code, § 8700) and have signed a Relinquishment form approved by the California Department of Social Services. ☐ Yes ☐ No (if no, list the name and relationship to child of each person who has not signed the relinquishment form: _____)

9 **If this is an independent adoption**

- a. A copy of the Adoptive Placement Agreement is attached. (This is required in most independent adoptions; see Fam. Code, § 8802.)
- b. I will file promptly with the department or delegated county adoption agency the information required by the department in the investigation of the proposed adoption.
- c. All persons with parental rights agree to the adoption and have signed the Adoptive Placement Agreement *Consent to Adoption* on a form approved by the California Department of Social Services ☐ Yes ☐ No (if no, list the name and relationship to child of each person who has not signed the relinquishment form: _____)

10 **If this is a stepparent adoption**

- a. The birth parent ☐ has signed a consent ☐ will sign a consent (Fam. Code, § 9003.)
- b. The adopting parents were married on (date): _____ or The domestic partnership was registered on (date): _____. (For court use only. This does not affect social worker's recommendation. There is no waiting period.)

- 11 ☐ There is no presumed or biological father because the child was conceived by artificial insemination, using semen provided to a medical doctor or a sperm bank. (Fam. Code, § 7613.)

12 **Contact after adoption**

Form ADOPT-310, Contact After Adoption Agreement, ☐ is attached ☐ will not be used
☐ will be filed at least 30 days before the adoption hearing ☐ undecided at this time

13 **Names of birth parents, if known:**

- a. Mother: _____
- b. Father: _____

- 14 ☐ The consent of the ☐ birth mother ☐ presumed father is not necessary because (specify Fam. Code, § 8606 subdivision): _____

Your name: _____

15 A court ended the parental rights of (*attach copy of order*):

Name: _____ Relationship to child: _____

Name: _____ Relationship to child: _____

16 ☐ I will ask the court to end the parental rights of (*attach copy of Petition to Terminate Parental Rights or Freedom From Parental Custody, if filed*):

Name: _____ Relationship to child: _____

Name: _____ Relationship to child: _____

17 Each of the following persons with parental rights has not contacted his or her child in one year or more. (*Fam. Code, § 8604(b)*) (*Attach copy of Application for Freedom From Parental Custody, if filed.*)

Name: _____ Relationship to child: _____

Name: _____ Relationship to child: _____

18 Each of the following persons with parental rights has died:

Name: _____ Relationship to child: _____

Name: _____ Relationship to child: _____

19 **Suitability for adoption**

Each adopting parent:

- | | |
|--|---|
| a. Is at least 10 years older than the child | d. Has a suitable home for the child <i>and</i> |
| b. Will treat the child as his or her own | e. Agrees to adopt the child |
| c. Will support and care for the child | |

20 I ask the court to approve the adoption and to declare that the adopting parents and the child have the legal relationship of parent and child, with all the rights and duties of this relationship, including the right of inheritance.**21** If a lawyer is representing you in this case, he or she must sign here:Date: _____
Type or print your name▶ _____
Signature of attorney for adopting parents**22** I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct to my knowledge. This means that if I lie on this form, I am guilty of a crime.Date: _____
Type or print your name▶ _____
Signature of adopting parentDate: _____
Type or print your name▶ _____
Signature of adopting parent

ADOPT-210 Adoption Agreement

Clerk stamps date here when form is filed.

DRAFT 6
03/22/06 xyz
Not approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

① Adopting parents' names (*specify each*):

a. _____

b. _____

Relationship to child: _____

Address (*skip this if you have a lawyer*):

Street: _____

City: _____ State: _____ Zip: _____

Telephone number: (____) _____

Lawyer (*if any*): (*Name, address, telephone number, and State Bar number*): _____

② Child's name before adoption: _____

Child's name after adoption: _____

Date of birth: _____ Age: _____

③ I am the child listed in ② and I agree to the adoption.

Date: _____
Type or print your name

Signature of child (child must sign at hearing if 12 or older; optional if child is under 12)

④ If there is only **one** adopting parent, read and sign below.

a. I am the adopting parent listed in ①, and I agree that the child will:

(1) Be adopted and treated as my legal child (*Fam. Code § 8612(b)*) and

(2) Have the same rights as a natural child born to me, including the right to inherit my estate.

Date: _____
Type or print your name

Signature of adopting parent (sign at hearing)

b. I am married to, or the registered domestic partner of, the adopting parent listed in ①, and I agree to his or her adoption of the child.

Date: _____
Type or print your name

Signature of spouse or registered domestic partner



ADOPT-215 Adoption Order

Clerk stamps date here when form is filed.

DRAFT 4
03/22/06 xyz
Not approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

1 Adopting parents' names (*specify each*):

a. _____

b. _____

Relationship to child: _____

Address (*skip this if you have a lawyer*):

Street: _____

City: _____ State: _____ Zip: _____

Telephone number: (____) _____

Lawyer (*if any*): (*Name, address, telephone number, and State Bar number*): _____

2 Type of adoption: (*Check one*)

☐ Agency (*name*): _____

☐ Independent

☐ International (*name of agency*): _____

☐ Stepparent

☐ Relative

3 Child's name after adoption:

Date of birth: _____ Age: _____

City: _____ State: _____ Country: _____

4 Name of adoption agency (*if any*): _____

5 Hearing date: _____

Dept.: _____ Div.: _____ Rm.: _____ Judge: _____

6 People present at the hearing:

☐ Adopting parents ☐ Lawyer for adopting parents

☐ Child ☐ Child's lawyer

☐ Parent keeping parental rights (stepparent/domestic partner): _____

☐ Other people present (*list each name and relationship to child*):

a. _____

b. _____

If there are more names, attach a sheet of paper, write "ADOPT-215, Item 6" at the top, and list the additional names and each persons' relationships to child.

Judge will fill out section below.

7 The judge finds that the child: (*Check all that apply*)

a. ☐ Is 12 or older and agrees to the adoption


b. ☐ Is under 12



Your names: _____

- 8 The judge has reviewed the report and other documents and evidence and finds that each adopting parent:
- a. Is at least 10 years older than the child
 - b. Will treat the child as his or her own
 - c. Will support and care for the child
 - d. Has a suitable home for the child *and*
 - e. Agrees to adopt the child
- 9 ☐ This case is a relative adoption petitioned under Family Code section 8714.5.
☐ The adopting relative ☐ The child, who is 12 or older, has requested that the child's name before adoption be listed on this order. (*Fam. Code, § 8714.5(g).*)
The child's name before adoption was: _____
- 10 ☐ The child is an Indian child. The judge finds that this adoption meets the placement requirements of the Indian Child Welfare Act and that there is good cause to give preference to these adopting parents. The clerk will fill out 13 below.
- 11 ☐ The judge approves the *Contact After Adoption Agreement* (ADOPT-310)
☐ As submitted ☐ As amended on ADOPT-310
- 12 The judge believes the adoption is in the child's best interest and orders this adoption.
The child's name after adoption will be: _____
The adopting parent or parents and the child are now parent and child under the law, with all the rights and duties of the parent-child relationship.

Date: _____


Judge (or Judicial Officer)**Clerk will fill out section below.****13 Clerk's Certificate of Mailing**

For the adoption of an Indian child, the Clerk certifies:

I am not a party to this adoption. I placed a filed copy of:

- | | |
|---|---|
| <input type="checkbox"/> ADOPT-200, <i>Adoption Request</i> | <input type="checkbox"/> ADOPT-220, <i>Adoption of Indian Child</i> |
| <input type="checkbox"/> ADOPT-215, <i>Adoption Order</i> | <input type="checkbox"/> ADOPT-310, <i>Contact After Adoption Agreement</i> |

in a sealed envelope, marked "Confidential" and addressed to:

Chief, Division of Social Services
Bureau of Indian Affairs
1849 C Street, NW
Mail Stop 310-SIB
Washington, DC 20240

The envelope was mailed by U.S. mail, with full postage, from:

Place: _____ on (date): _____

Date: _____ Clerk, by: _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): _____ TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY DRAFT 5 04/12/06 mc Not approved by the Judicial Council		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:			
CASE NAME:			
<table border="1"> <tr> <td data-bbox="94 640 1068 728"> NOTICE OF <input type="checkbox"/> AGENCY <input type="checkbox"/> INDEPENDENT ADOPTION PROCEEDINGS FOR AN INDIAN CHILD </td> <td data-bbox="1068 640 1526 728"> CASE NUMBER: </td> </tr> </table>		NOTICE OF <input type="checkbox"/> AGENCY <input type="checkbox"/> INDEPENDENT ADOPTION PROCEEDINGS FOR AN INDIAN CHILD	CASE NUMBER:
NOTICE OF <input type="checkbox"/> AGENCY <input type="checkbox"/> INDEPENDENT ADOPTION PROCEEDINGS FOR AN INDIAN CHILD	CASE NUMBER:		

The recipient of this notice is requested to provide confirmation of the child's Indian status to the social worker or service provider listed in item 5 on page 1.

NOTICE is mailed to the following (check all that apply):

☐ Parent ☐ Tribe ☐ Indian custodian

1. a. Child's name:
 b. Date of birth:
 c. Place of birth (city, state, and, if applicable, reservation):

2. Child may be eligible for membership in the following tribe or band (name each):

3. Please provide confirmation of child's membership or eligibility for membership to the following:

- a. Name:
- b. Organization:
- c. Street address:
- d. City, state, zip code:

☐ Adoption agency ☐ Adoption service provider ☐ Attorney for (specify):

4. a. Indian custodian (name each):
 b. Tribe (name each):

5. Social worker or service provider who has witnessed relinquishment or consent.

- c. Name: _____ c. Telephone number: _____
- d. Address: _____ d. E-mail address: _____

6. **NOTICE OF HEARING**

- | | | | |
|---|--------|-------|------------------|
| a. Date: | Dept.: | Time: | Type of hearing: |
| b. Location: <input type="checkbox"/> the above court address <input type="checkbox"/> another address (specify): | | | |

CASE NAME: 	CASE NUMBER:
--------------------	----------------------

7. Under the Indian Child Welfare Act and California law:

- a. The biological or adoptive parents, any Indian custodian, and the child's tribe have the right to be present at all hearings.
- b. The biological or adoptive parents, any Indian custodian, and the child's tribe have the right to intervene in the proceedings.
- c. If the parents or custodians have a right to be represented by a lawyer and if they cannot afford to hire one, a lawyer will be appointed for them.
- d. The date, time, and place of the hearing are shown on the first page of this form.
- e. If all other notices required by law have been given to an Indian tribe, that Indian tribe is encouraged to notify the Department of Social Services and the licensed adoption agency or adoption service provider, no later than five calendar days prior to the date of the final adoption hearing, whether it intends to intervene in the proceeding, either on its own behalf or on behalf of a tribal member who is a relative of the child.

INFORMATION ON CHILD WHO IS THE SUBJECT OF A VOLUNTARY ADOPTION PROCEEDING

Indicate if any of the information in items 8–16 is unknown or nonapplicable. Attach any information that may be of assistance in determining the child's Indian status, including names and addresses of extended family members who may have Indian heritage.

8. a. <input type="checkbox"/> Mother <input type="checkbox"/> Father	b. <input type="checkbox"/> Mother <input type="checkbox"/> Father
Name (include maiden name, married names, and former names or aliases):	Name (include maiden name, married names, and former names or aliases):
Current or last address known:	Current or last address known:
Date and place of birth:	Date and place of birth:
Tribe, band, and location:	Tribe, band, and location:
If available, enrollment number or BIA/tribal agency:	If available, enrollment number or BIA/tribal agency:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:

CASE NAME: 	CASE NUMBER:
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9. a. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather	b. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather
Name (include maiden name, married names, and former names or aliases):	Name (include maiden name, married names, and former names or aliases):
Current or last address known:	Current or last address known:
Date and place of birth:	Date and place of birth:
Tribe, band, and location:	Tribe, band, and location:
If available, enrollment number or BIA/tribal agency:	If available, enrollment number or BIA/tribal agency:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:
c. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather	d. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather
Name (include maiden name, married names, and former names or aliases):	Name (include maiden name, married names, and former names or aliases):
Current or last address known:	Current or last address known:
Date and place of birth:	Date and place of birth:
Tribe, band, and location:	Tribe, band, and location:
If available, enrollment number or BIA/tribal agency:	If available, enrollment number or BIA/tribal agency:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:

CASE NAME: 	CASE NUMBER:
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10. a. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather	b. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather
Name (include maiden name, married names, and former names or aliases):	Name (include maiden name, married names, and former names or aliases):
Current or last address known:	Current or last address known:
Date and place of birth:	Date and place of birth:
Tribe, band, and location:	Tribe, band, and location:
If available, enrollment number or BIA/tribal agency:	If available, enrollment number or BIA/tribal agency:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:
c. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather	d. <input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> grandmother <input type="checkbox"/> grandfather
Name (include maiden name, married names, and former names or aliases):	Name (include maiden name, married names, and former names or aliases):
Current or last address known:	Current or last address known:
Date and place of birth:	Date and place of birth:
Tribe, band, and location:	Tribe, band, and location:
If available, enrollment number or BIA/tribal agency:	If available, enrollment number or BIA/tribal agency:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:

CASE NAME: _____	CASE NUMBER: _____
---------------------	-----------------------

11. ☐ Birth father is named on birth certificate. ☐ Unknown
12. ☐ Birth father has acknowledged paternity. ☐ Unknown
13. ☐ There has been a judicial declaration of paternity. ☐ Unknown
14. ☐ Other alleged father (*name each*):

The following optional questions may be helpful in tracing the ancestry of any person alleging Indian descent.

15. Have you or any members of your family ever attended an Indian school? ☐ Yes ☐ No ☐ Unknown

Name and relationship	Type of school	Dates attended	Location of school

16. Have you or any members of your family ever received medical treatment at an Indian health clinic or U.S. Public Health Service hospital? ☐ Yes ☐ No ☐ Unknown

Name and relationship	Type of treatment	Dates treatment received	Location of treatment

17. Have you or any members of your family ever lived on federal trust land, a reservation or rancheria, or an allotment? ☐ Yes ☐ No ☐ Unknown

Name and relationship	Name and address	Dates

18. Tribal affiliation and location (*check any that apply*):

- a. ☐ 1906 Final Roll Name of relative: _____

The 1906 Final Roll was prepared by the Dawes Commission. Individuals who allege to be of Chickasaw, Creek, Cherokee, Choctaw, or Seminole ancestry from Oklahoma must provide the name of a relative who is listed on the Final Roll of 1906.

- b. ☐ Roll of 1924 Name of relative: _____

The Roll of 1924 relates to the Eastern Band of Cherokees, who were from states other than Oklahoma (such as North Carolina, Georgia, Mississippi, or another southeastern state). Individuals who allege to be of Eastern Cherokee descent must provide the name of a relative listed on the Roll of 1924.

- c. ☐ California Judgment Roll Roll number, if available: _____

CASE NAME: 	CASE NUMBER:
--------------------	----------------------

CERTIFICATE OF MAILING**(To be completed by social worker, probation officer, or clerk of juvenile court)**

I certify that a copy of the *Notice of Agency or Independent Adoption Proceedings for an Indian Child*, with a copy of the adoption petition, was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, tribe, and bureau indicated below. Each envelope was sealed and deposited with the United States Postal Service at *(place)*: on *(date)*:

Date:

Title:

Department:

(TYPE OR PRINT NAME)

(SIGNATURE)

This form and any return receipts must be filed with the court.

List all persons, tribes, and agencies that were provided notice, with their full mailing addresses *(attach extra sheets if necessary)*:

If you are adopting your stepchild, do not fill out this form.

Clerk stamps date here when form is filed.

DRAFT 3
03/21/06 xyz
Not approved by the
Judicial Council

① Adopting parents' names (*specify each*):

a. _____

b. _____

Relationship to child: _____

Address (*skip this if you have a lawyer*): _____

Street: _____

City: _____ State: _____ Zip: _____

Telephone number: (____) _____

Lawyer (*if any*): (*Name, address, telephone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number if known:

Case Number: _____

② Name of child after adoption: _____

③ List the services you received that were related to the adoption of the child listed in ②:

Service	Name and address of service provider	How much paid, or value of service	Payment date
a. Hospital	_____ _____	\$ _____	_____
b. Prenatal care	_____ _____	\$ _____	_____
c. Legal fees paid	_____ _____	\$ _____	_____
d. Adoption agency fee paid	_____ _____	\$ _____	_____
e. Transportation	_____ _____	\$ _____	_____
f. Adoption facilitator fees paid	_____ _____	\$ _____	_____

Your names: _____

Case Number: _____

Service	Name and address of service provider	How much paid, or value of service	Payment date
g. Counseling fees paid	_____ _____	\$ _____	_____
h. Adoption service provider	_____ _____	\$ _____	_____
i. Pregnancy expenses paid	_____ _____	\$ _____	_____
j. Court filing fees and fingerprinting fees paid	_____ _____	\$ _____	_____
k. Other	_____ _____	\$ _____	_____

If you need more space, attach a sheet of paper and write “ADOPT-230, Item 3—Payment for Services” at the top.
Number of pages attached: _____

- ④ I declare under penalty of perjury under the laws of the State of California that I have listed all payments (or anything of value) that I have paid or agreed to pay, or that were paid on my behalf, related to the child I want to adopt. I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct, which means that if I lie on this form, I am guilty of a crime.

Date: _____
Type or print your name

► _____
Signature of adopting parent

Date: _____
Type or print your name

► _____
Signature of adopting parent

After filling out this form, bring it to the clerk of the court. If you want to keep your address confidential, fill out Form JV-182, Confidential Address (Request to Change Court Order), and do not write the address on this form.

DRAFT 2
03/22/06 xyz
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Fill in court name and street address:

Superior Court of California, County of

Fill in case number, if known:

Case Number:

1 Type of request:

- a. ☐ I am asking to change a court order.
 b. ☐ I am asking to have a relationship with my brother or sister.

We share the same parent or parents (names): _____

2 Your information:

- a. Your name: _____
 b. Your address: _____
 c. Your telephone number: _____

- d. If you are an attorney filling out this form for a client, complete the following information and then skip to item 3.

Your client's name: _____

Your client's relationship to the child: _____

Your State Bar number: _____

- e. Your relationship to the child: _____

3 Child's information:

- a. Child's name: _____
 b. Date of birth: _____
 c. Child's attorney (if known): _____
 d. The child lives with (check all that apply, if known):
☐ parent ☐ legal guardian ☐ relative
☐ foster home ☐ group home

- e. Name of person with whom, or place where, the child lives (if known): _____

- f. Names of child's parents or legal guardians (if known): _____

- g. Child's Indian tribe (if applicable and known): _____

- h. Child's Court Appointed Special Advocate (if applicable and known): _____

- i. Child's education surrogate (if applicable and known): _____

- j. Child's social worker (if applicable and known): _____

Your name: _____

If you are asking to have a relationship with a brother or sister, you may skip to item 6. Here are some examples of what you can ask for: (1) to visit or live with or nearby your brother or sister; (2) to be part of case planning or permanency planning for your brother or sister.

If you are a brother or sister of the child and you want the judge to change a court order, you must complete all items.

- ④ On (date, if known): _____ the judge made the following order that you feel should be changed:

- ⑤ What changed after the judge's order that would change the judge's mind? (Give information that the judge did not have when the original decision was made):

- ⑥ What order do you want the judge to make now?

- ⑦ Why would the changes you are requesting be better for the child?

☐ Check here if you need more space for any of the answers. Attach a sheet of paper and write "JV-180," at the top of the page.



Your name: _____

- 8 I have sent a copy of my request to the following people listed below, as applicable. I have checked the correct boxes to show whether these people agree with my request.

If you do not have an attorney, the clerk will send notice and copies of your request to all persons required to receive notice under Welfare and Institutions Code sections 297 and 380 and rules 1407 and 1432 of the California Rules of Court.

	Agree	Disagree	Don't Know	Not Applicable
Child (if 10 years old, or older)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child's attorney	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal guardian (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal guardian (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social worker	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Current caregiver/foster parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pre-adoptive parent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court Appointed Special Advocate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indian tribe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorney for (name/relationship to child): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorney for (name/relationship to child): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attorney for (name/relationship to child): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (name): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


- 9 You can ask the judge to make a decision without a court hearing if everyone agrees with your request. Check here ☐ if you want a decision without a hearing.

- 10 Does anyone disagree with your request? Who and why (if known)?

- 11 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct to my knowledge. I understand that this means I am guilty of a crime if I lie on this form.

Date: _____

Type or print your name

 Sign your name

Your name: _____

Court Order*Court will fill out section below.***The Court Finds and Orders:**

- ⑫ ☐ All parties and attorneys agree to the request. The request to change a court order is granted
- a. ☐ As requested in item 6
- b. ☐ As follows (*state specific modifications*): _____
- _____
-
- ⑬ ☐ The best interest of the child may be promoted by the requested new order, and either (a) the request states a change of circumstances or new evidence, or (b) the request has been filed for the purpose of asserting a brother or a sister relationship with the child. A hearing shall be held on the request as follows:
- a. ☐ The matter is set for a hearing on (*date*): _____ at (*time*): _____ a.m./p.m. in Dept. _____
- b. ☐ The judge will not hold a hearing. The judge will make a decision based on your request and any other papers filed by those listed in item 8. You and anyone listed in item 8 may ask for a hearing, which the judge will hold if there is good cause.
-
- ⑭ The request is denied because:
- a. ☐ The request is not signed
- b. ☐ The facts do not support what is requested
- c. ☐ The request does not state new evidence or a change of circumstances
- d. ☐ The request does not show how it will be in the best interest of the child
- e. ☐ Other (*state specific reasons*): _____

Date: _____

_____
Judge (or Judicial Officer)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft 11 04/12/06 mc Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____ CHILD'S DATE OF BIRTH: _____ HEARING DATE AND TIME: _____ DEPT.: _____	
TERMINATION OF DEPENDENCY JURISDICTION— CHILD ATTAINING AGE OF MAJORITY	CASE NUMBER: _____

Directions for the social worker: Check the appropriate boxes in items 1 through 4, complete item 5, attach documents as required, and then sign and date item 7.

Directions for the child (if available): Review the boxes checked by the social worker in items 1 through 4. Sign your initials after each item that correctly indicates the information and services that you have received. Then sign and date item 8.

1. a. ☐ The child has indicated that he or she intends to be present at the termination hearing.
 b. ☐ The child does not wish to attend the termination hearing. The petitioner has attached verification that the child has been informed of the potential consequences of failure to attend the termination hearing.
 c. ☐ The child is unavailable and/or has refused to sign this form. Evidence of reasonable efforts to locate the child and to obtain the child's signature is attached.
2. ☐ Attached is a report verifying that the child has received written information concerning his or her dependency case—including information about the child's family history, the child's placement history, the whereabouts of any siblings under the jurisdiction of the juvenile court, the procedures for accessing the documents that the child is entitled to inspect under Welfare and Institutions Code section 827, and the date on which the jurisdiction of the court will be terminated.
3. The child has been provided with the following documents (*check all that apply*):
 - a. ☐ Certified birth certificate
 - b. ☐ Social security card
 - c. ☐ Identification card and/or driver's license
 - d. ☐ Proof of citizenship or residency status
 - e. ☐ Death certificate of parent or parents, if applicable
 - f. ☐ Transitional service plan under the Individuals with Disabilities Education Act
 - g. ☐ Current health and education passport
4. ☐ The child continues to be eligible for services or accommodations under the Individuals with Disabilities Education Act, Americans with Disabilities Act, or section 504 of the Rehabilitation Act.
 - a. The child ☐ holds his or her own educational rights ☐ requests the appointment of an educational surrogate ☐ requests that the current educational surrogate, (name): _____ remain as educational surrogate.
 - b. ☐ The child has an appropriate transitional service plan under the Individuals with Disabilities Education Act.
 - c. ☐ The child has an appropriate transitional service plan, and the following person must request a review of the child's Individual Educational Plan in order to review the transitional plan (*specify holder of educational rights*): _____

CHILD'S NAME: 	CASE NUMBER:
-----------------------	----------------------

5. The child has received the following assistance:

- a. ☐ An application for Medi-Cal or other health insurance has been completed.
- b. ☐ An application for college, a vocational training program, or another educational or employment program has been completed.
- c. ☐ Information on obtaining, or an application to obtain, financial assistance for educational and employment programs has been provided.
- d. ☐ A referral to transitional housing, if available, or assistance in securing other housing has been provided.
- e. ☐ Assistance in obtaining employment or other financial support has been provided.
- f. ☐ Assistance in maintaining relationships with individuals who are important to the child, consistent with the child's best interest. (This is required only if the child has been in out-of-home placement as defined in Welfare and Institutions Code section 366.35 for six months or longer.)
- g. ☐ Other services have been ordered by the court (*specify*):

6. Number of pages attached: _____

7. I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF SOCIAL WORKER)

8. I certify that I have received the information and services that I initialed above.

Date:

(TYPE OR PRINT NAME)



(CHILD'S SIGNATURE)

50

Clerk stamps date here when form is filed.

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04/12/06 mc
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(NEW FORMAT)

Fill in court name and street address:

Superior Court of California, County of

Fill in case number if known:

Case Number:

- 1 ☐ I am not the parent of this child. I do not wish to participate in juvenile court proceedings about this child. I understand that:
 - a. I will receive no further notices of hearings in this matter.
 - b. I will not get a chance for custody of this child or court-ordered visitation with this child.
 - c. If the child cannot be returned to a custodial parent or guardian, it is possible that all parental rights will be terminated and the child will be adopted.
 - d. This denial applies only to the juvenile court proceedings and does not prevent the local child support agency from seeking to have another court determine that I am the child's parent for purposes of support of the child. If that occurs, I will have the right to a court trial, to confront and cross-examine witnesses and present evidence on my behalf, and to be represented by a lawyer who may be appointed if I cannot afford to hire one.
- 2 ☐ I want the judge to appoint an attorney for me.
- 3 ☐ I give up my right to an attorney.
- 4 ☐ I do not know if I am the parent of the child and I ☐ consent to ☐ request blood or DNA testing to determine whether or not I am the parent. I understand that:
 - a. If I am judged to be the parent of the child, I will have to support the child until the child reaches the age of 18 and has completed high school, or completes high school between the ages of 18 and 19, or reaches the age of 19, whichever comes first.
 - b. If I do not support the child when I have the money to do so, I may be charged with a crime under Penal Code section 270 and, if convicted, could be sentenced to pay a fine of up to \$2,000 and spend up to one year in county jail.
- 5 ☐ I believe I am the child's parent and request that the court enter a judgment of parentage. I understand that:
 - a. If I am judged to be the parent of the child, I will have the obligation to support the child until the child reaches the age of 18 and has completed high school, or completes high school between the ages of 18 and 19, or reaches the age of 19, whichever comes first.
 - b. If I do not support the child when I have the money to do so, I may be charged with a crime under Penal Code section 270 and, if convicted, could be sentenced to pay a fine of up to \$2,000 and spend up to one year in county jail or one year and a day in state prison.

IMPORTANT NOTICE ON PAGE 2. READ BEFORE SIGNING.



Your name: _____

- 6 ☐ I have already established parentage of the child by *(if known)*:
- a. ☐ A voluntary declaration signed by me on *(date)*: _____
☐ A copy is attached. _____
- b. ☐ A court judgment of parentage on *(date)*: _____ in *(county)*: _____
☐ A copy is attached. _____
- 7 ☐ I believe I am the parent of the child and request that the court find that I am the presumed parent of the child.
- a. ☐ The child lived with me from _____ to _____ and from _____ to _____.
- b. ☐ I have told the following people that the child is mine:

- ☐ Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 7b—People I Have Told the Child Is Mine" at top of the form. Number of pages attached: _____
- c. ☐ I have participated in the following activities with the child *(e.g., school, day care, sports)*:

- ☐ Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 7c—Child's Activities" at top of the form. Number of pages attached: _____
- d. ☐ The child has spent the following time with my family:

- ☐ Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 7d—Time Spent With My Family" at top of the form. Number of pages attached: _____

Your name: _____

7

e. ☐ Other information I want the court to know is:

☐ Check here if you need more space. Attach a sheet of paper and write "JV-505, Item 7e—Other Information" at top of the form. Number of pages attached: _____

Date: _____

Type or print name

Sign your name

Date: _____

Type or print your attorney's name

Signature of your attorney

To alleged parent of the child:

- As the child's alleged parent, you will not automatically get services to help you get your child back. You will not automatically get the child to live with you or your relatives.
- If the judge finds that you are the child's parent, the judge may order services to help you get the child back, but does not have to order services for you.
- If you say that you are not the child's parent and will not take a test to find out if you are the parent, and do not want services to help you get the child back, you can fill out this form and not be a part of this case.
- You can have a trial and ask the judge to decide if you are the child's parent. You can pay a lawyer to be at the trial. If you cannot afford a lawyer, the judge may appoint one for you for free. At a trial, you can cross-examine witnesses and give evidence to the judge.
- If you want the court to decide if you are the child's parent, fill out this form.

CHILD'S NAME: 	CASE NUMBER:
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DISPOSITION—JUVENILE DELINQUENCY

- ☐ The court has read and considered the social study prepared by the probation officer and any other relevant evidence.
- ☐ The child has been detained and is at risk of entering foster care. The probation officer believes the child will be able to return home, and the social study includes a case plan as described in section 636.1 of the Welfare and Institutions Code.
- ☐ The probation officer has recommended initial or continuing placement in foster care, and the social study includes a case plan as described in section 706.6 of the Welfare and Institutions Code.

THE COURT FINDS AND ORDERS

1. ☐ Notice has been given as required by law.
2. ☐ The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.
3. ☐ The court has previously sustained the petition alleging that the child violated the following:
- | | Section | Code |
|----|---------|--------|
| a. | | of the |
| b. | | of the |
| c. | | of the |
| d. | | of the |
| e. | | of the |
4. ☐ The maximum time the child may be confined in secure custody for the offenses sustained in the petition before the court is *(specify)*: .
5. ☐ The maximum time the child may be confined in secure custody for the offenses sustained in the petition before the court, with the terms of all previously sustained petitions known to the court aggregated, is *(specify)*:
6. ☐ The following counts may be considered a misdemeanor or a felony. The court finds the child's violations:
- | Count Number | Code Section | Misdemeanor | Felony |
|--------------|--------------|--------------------------|--------------------------|
| a. | | <input type="checkbox"/> | <input type="checkbox"/> |
| b. | | <input type="checkbox"/> | <input type="checkbox"/> |
| c. | | <input type="checkbox"/> | <input type="checkbox"/> |
| d. | | <input type="checkbox"/> | <input type="checkbox"/> |
| e. | | <input type="checkbox"/> | <input type="checkbox"/> |
7. ☐ The child resides in *(specify)*: County.
8. ☐ The case is transferred to *(specify)*: County for disposition. Form JV-550, *Juvenile Court Transfer Orders*, will be completed and transmitted.
9. ☐ For the reasons stated on the record, the petition is dismissed ☐ in the interests of justice ☐ because the child does not need treatment or rehabilitation.
10. ☐ The child is placed on probation for up to six months under section 725(a) of the Welfare and Institutions Code under conditions described in the attachment form JV-624, *Terms and Conditions*.
11. ☐ The child is ☐ declared ☐ continued as a ward of the court.

CHILD'S NAME: 	CASE NUMBER:
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12. ☐ The child is to reside in the custody of
- a. ☐ parent (*name*): ☐ mother ☐ father
- b. ☐ parent (*name*): ☐ mother ☐ father
- c. ☐ legal guardian (*name*):
- d. ☐ without probation supervision.
- e. ☐ under the supervision of the probation officer.
- f. ☐ under terms and conditions described in the attachment form JV-624, *Terms and Conditions*.
13. ☐ The child is to serve (*specify*): ☐ days ☐ months in juvenile hall
- a. ☐ and is remanded forthwith.
- b. ☐ and is to report to (*name*): _____ by _____ a.m./p.m. on (*date*): _____
- c. ☐ with credit for (*specify*): _____ days served
14. ☐ The welfare of the child requires that physical custody be removed from the parent or guardian. (*Check only if applicable*):
- a. ☐ The child's parent or guardian has failed or neglected to provide, or is incapable of providing, proper maintenance, training, and education for the child.
- b. ☐ The child has been on probation in the custody of the parent or guardian and has failed to reform.
15. [*Skip unless item 14 is checked.*]
- ☐ Reasonable efforts to prevent or eliminate the need for removal
- a. ☐ have been made.
- b. ☐ have not been made.
16. [*Skip unless item 14 is checked.*]
- a. ☐ The probation officer will ensure provision of reunification services, and the following will participate in the reunification services set forth in the case plan:
- ☐ Mother ☐ Biological father ☐ Legal guardian ☐ Presumed father
- ☐ Alleged father ☐ Indian custodian ☐ Other (*specify*): _____
- b. ☐ Reunification services do not need to be provided to (*name*): _____ as the court finds by clear and convincing evidence that (*check one*):
- (1) ☐ reunification services were previously terminated for that parent or not offered under section 300 et seq. of the Welfare and Institutions Code.
- (2) ☐ that parent has been convicted of ☐ murder of another child of the parent ☐ voluntary manslaughter of another child of the parent ☐ aiding, abetting, attempting, conspiring, or soliciting to commit murder or manslaughter of another child of the parent ☐ felony assault resulting in serious bodily injury to the child or another child of the parent.
- (3) ☐ the parental rights of that parent regarding a sibling of the child have been terminated involuntarily.
- c. ☐ The child is ☐ ordered to ☐ continued in _____ the care, custody, and control of the probation officer for placement in a suitable relative's home or in a foster or group home.
- d. ☐ The child is to be placed out of state at the following (*name and address*): _____
- (1) ☐ In-state facilities are unavailable or inadequate to meet the needs of the child.
- (2) ☐ The state Department of Social Services or its designee has performed initial and continuing inspection of the facility and has certified that it meets all California licensure standards, or has granted a waiver based on a finding that there is no adverse impact to health and safety.
- (3) ☐ The requirements of section 7911.1 of the Family Code are met.

CHILD'S NAME: 	CASE NUMBER:
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16. e. ☐ Pending placement, the child is
- (1) ☐ detained in juvenile hall.
- (2) ☐ detained on home supervision in the home of
- (a) ☐ parent (*name*): ☐ mother ☐ father
- (b) ☐ parent (*name*): ☐ mother ☐ father
- (c) ☐ legal guardian (*name*):
- (d) ☐ other (*name and address*):
- (e) ☐ and is subject to electronic monitoring.
- f. ☐ The parent or legal guardian must cooperate in the completion and signing of necessary documents to qualify the child for any medical or financial benefits to which the child may be entitled.
- g. ☐ The county is authorized to pay for care, maintenance, clothing, and incidentals at the approved rate.
- h. ☐ The likely date by which the child may be returned to and safely maintained in the home or by which another permanent plan is selected (*specify*):
- i. ☐ The right of the parent/guardian to make educational decisions for the child is specifically limited. Judicial Council form JV-535, *Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile*, will be completed and transmitted.
17. ☐ The child is committed to the county juvenile ranch, camp, or forestry camp for
- a. ☐ days/months. ☐ days ☐ months.
- b. ☐ until the requirements of the program have been satisfactorily completed.
18. ☐ [Skip unless item 14 is checked.] The child is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, and Judicial Council form JV-732, *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice*, will be completed and transmitted.
19. ☐ The child and legal parent are to pay a restitution fine as specified on the attached.
20. ☐ The child, with his or her parent, is to pay restitution
- ☐ as described on the attached restitution order.
- ☐ to each victim (*name each*):
- a. d.
- b. e.
- c. f.
- ☐ in the amount of \$ ☐ in the amount and manner determined by the probation officer, with the opportunity for review by the court if disputed by the child or the parents.
21. ☐ The child, with his or her parents, is to pay a fine in the amount of \$, plus penalty assessment in the amount of \$, for a total of \$.
22. ☐ Terms regarding vehicles. The child must
- a. ☐ participate in and successfully complete (*specify*):
- b. ☐ only drive to and from school, work, and/or counseling programs.
- c. ☐ surrender license to ☐ court ☐ probation officer.

CHILD'S NAME: 	CASE NUMBER:
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23. ☐ The child's driver's license is
☐ suspended.
☐ revoked.
☐ delayed
☐ for a period of ☐ months. ☐ years.
☐ until 18 years of age.
24. Court will notify the Department of Motor Vehicles of the judgment.
25. ☐ Other (specify):
26. ☐ Other (specify):
27. ☐ The matter is continued to (date): _____ at _____ a.m./p.m. for _____.
a. ☐ 15-day review of placement order (if child is placed prior to the date, the court must be notified and the matter will be dropped from calendar).
b. ☐ 6-month review (within 6 months from the date the child enters foster care).
c. ☐ permanency planning hearing.
d. ☐ other (specify): _____
28. ☐ All prior orders not in conflict remain in effect.
29. ☐ Child is advised of his or her right to appeal.

Date:

JUDICIAL OFFICER

Attachments:

- | | |
|---|--|
| <input type="checkbox"/> Terms and Conditions (JV-624) | <input type="checkbox"/> Parentage—Findings and Judgment (JV-501) |
| <input type="checkbox"/> Juvenile Court Transfer Orders (JV-550) | <input type="checkbox"/> Indian Child Welfare Act |
| <input type="checkbox"/> Restraining Order—Juvenile (JV-250) | <input type="checkbox"/> Notices and Proofs of Service (JV-135) |
| <input type="checkbox"/> Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice (JV-732) | <input type="checkbox"/> Tribal Responses |
| <input type="checkbox"/> Order for Restitution and Abstract of Judgment (JV-790) | <input type="checkbox"/> Victim Identification Form |
| <input type="checkbox"/> Application and order for Authorization to Administer Psychotropic Medication—Juvenile (JV-220) | <input type="checkbox"/> Probation officer's case plan approved by the court |
| <input type="checkbox"/> Order Limiting Parent's Right to Make Educational Decisions for the Child and Appointing Responsible Adult as Educational Representative—Juvenile (JV-535) | <input type="checkbox"/> As submitted |
| | <input type="checkbox"/> As amended and stated on the record |
| | <input type="checkbox"/> Other |

This information must be kept under seal in the court file. The court and the child's attorney may look at this information.

Clerk stamps date here when form is filed.

DRAFT 2
03/22/06 xyz
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth.

Child's name:

Date of birth:

Fill in case number if known:

Case Number:

1 Your name: _____

Your telephone number: _____

Your address: _____

2 Child's name: _____

Child's telephone number: _____

Child's address: _____

3 If known:

Caregiver's name: _____

Caregiver's telephone number: _____

Caregiver's address: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY Draft 6 03/20/06 xyz Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	
ORDER REGARDING ELIGIBILITY FOR SPECIAL IMMIGRANT JUVENILE STATUS	CASE NUMBER: _____

The court has reviewed the supporting material on file, heard the arguments of counsel, and found the following:

1. The child was brought under the jurisdiction of the juvenile court of the county of *(specify)*:
and committed to the custody of a state agency on *(specify)*:
The child remains under this court's jurisdiction.
2. The child was deemed "eligible for long-term foster care"* on *(specify date)*:
3. It is not in the best interest of the child to be returned to his or her or his or her parent's previous country of nationality or country of last habitual residence *(specify)*:
It is in the child's best interest to remain in the United States.
4. The above findings were made by reason of the ☐ abuse ☐ neglect ☐ abandonment of the child.

Date: _____

JUDICIAL OFFICER

* Code of Federal Regulations § 204.11(a) states: "Eligible for long-term foster care means that a determination has been made by the juvenile court that family reunification is no longer a viable option. A child who is deemed eligible for long-term foster care will normally be expected to remain in foster care until reaching the age of majority, unless the child is adopted or placed in a guardianship situation. For the purposes of establishing and maintaining eligibility for classification as a special immigrant juvenile, a child who has been adopted or placed in guardianship situation after having been found dependent upon a juvenile court in the United States will continue to be considered eligible for long-term foster care."

Under California law, an order not offering reunification services pursuant to Welfare and Institutions Code section 361.5(b) or 727.2; an order terminating services pursuant to Welfare and Institutions Code section 366.21, 366.22, or 727.3; or a guardianship order pursuant to section 360 means that the child is "eligible for long-term foster care" for Special Immigrant Juvenile Status purposes.